

Richard S. Ralston, Bar #21987
Weinstein & Riley, P.S.
2001 Western Avenue, Suite 400
Seattle, WA 98121
Phone: 206-269-3490

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA**

In re:

Patrick R Collins,

Debtor.

Wells Fargo Bank, N.A.,

Plaintiff,

v.

Patrick R Collins,

Defendant.

Bankruptcy Case No. 10-30516

Adversary No. 10-02299-SSC

**COMPLAINT OBJECTING TO
DISCHARGEABILITY OF
INDEBTEDNESS
(11 U.S.C. § 523)**

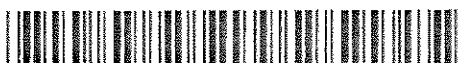
COMES NOW Plaintiff, by and through its attorney of record, Richard S. Ralston, to
allege and complain as follows:

I. PARTIES AND JURISDICTION

1. Plaintiff is a foreign corporation licensed to do business in the State of Arizona with all fees and licenses paid, and otherwise is entitled to bring this action.
2. Defendant filed a Chapter 7 bankruptcy petition on 09/23/2010.
3. Jurisdiction is vested in this proceeding pursuant to 28 U.S.C. § 157, 28 U.S.C. § 1334, and 11 U.S.C. § 523; this proceeding is a core matter.
4. Plaintiff is a creditor in this bankruptcy proceeding.

Page 1 – COMPLAINT
OBJECTING TO
DISCHARGEABILITY
OF INDEBTEDNESS
XXXXXXXXXXXX6697

Richard S. Ralston
Weinstein & Riley, P.S.
2001 Western Avenue, Suite 400
Seattle WA 98121
Phone: 206-269-3490



II. CAUSE OF ACTION

5. Plaintiff re-alleges and incorporates by reference the allegations set forth in paragraphs 1 through 4, above.
6. Defendant had a charge account with Wells Fargo Bank, N.A., Account No. XXXXXXXXXXXXXXX6697.
7. Defendant incurred charges and cash advances on this account totaling \$20,295.31, including interest, as of 09/23/2010, the date the bankruptcy petition was filed.
8. Between 09/07/2010 and 09/29/2010, Defendant accumulated \$2,054.00 in retail charges.
9. \$2,054.00 of these transactions were made within the presumption period.
10. Defendant's debt is a "consumer debt", as defined by 11 U.S.C. § 101(8).
11. By obtaining and/or accepting an extension of credit from Plaintiff and incurring charges on the account, Defendant represented an intention to repay the amounts charged.
12. Plaintiff reasonably relied on the representations made by Defendant.
13. Defendant incurred the debts when Defendant had no ability or objective intent to repay them.
14. Defendant obtained credit extended from Plaintiff by false pretenses, false representations, and/or actual fraud.
15. As a result of Defendant's conduct, Plaintiff has suffered damages in the amount of \$2,054.00.



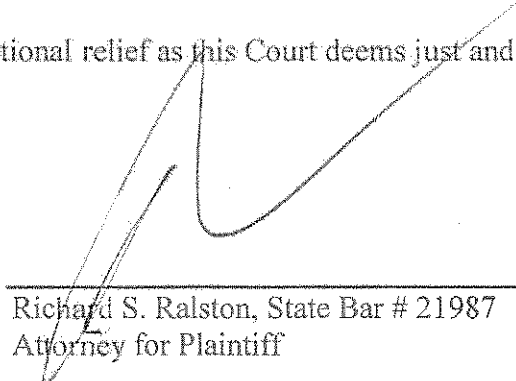
16. Pursuant to 11 USC § 523(a)(2), Defendant should not be granted a discharge of this debt to the Plaintiff in the amount of \$2,054.00.

III. PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that this Court grant the following relief:

1. A monetary judgment against Defendant in the amount of \$2,054.00 plus accrued interest at the contractual rate from and after 09/23/2010, plus additional interest at the contractual rate, which will continue to accrue until the date of judgment herein;
2. An order determining that such debt is non-dischargeable under 11 USC § 523(a)(2);
3. An order awarding Plaintiff its attorneys' fees and costs incurred herein; and
4. An order awarding Plaintiff such additional relief as this Court deems just and equitable.

DATED December 17, 2010.



Richard S. Ralston, State Bar # 21987
Attorney for Plaintiff

